



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: Lawrence Tamarkin and Giulio F. Paciotti

Application No.: **08/966,940**

Filed: November 10, 1997

For: **COMPOSITION AND METHOD FOR DELIVERY**

**OF BIOLOGICALLY-ACTIVE FACTORS**

) Attorney's Docket No. 01994-0024  
)

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9 (f) AND 1.27 (c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: CytImmune Sciences

ADDRESS OF CONCERN: 8075 Greenmead Drive  
College Park, Maryland 20740

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41 (a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal years, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above, with regard to the invention entitled "**Composition and Method For Delivery of Biologically-Active Factors**" by inventors **Lawrence Tamarkin** and **Giulio F. Paciotti** described in Application Serial No. 60/065,155, filed November 10, 1997.

The rights held by the above identified small business concern are exclusive.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Lawrence Tamarkin

TITLE OF PERSON OTHER THAN OWNER: President

ADDRESS OF PERSON SIGNING: 8075 Greenmead Drive  
College Park, Maryland 20740

DATE 4/13/98

SIGNATURE Lawrence Tamarkin

**DECLARATION AND POWER OF ATTORNEY**Attorney's Docket No. **01994-0024**

As a below named inventor, I hereby declare that: Lawrence Tamarkin and Guilio F. Paciotti

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **COMPOSITION AND METHOD FOR DELIVERY OF BIOLOGICALLY-ACTIVE FACTORS**, the specification of which was filed on November 10, 1997 as Application Serial No. 08/966,940.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. I understand that I have a duty of candor and good faith toward the Patent and Trademark Office, and I acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

Application No.	Country	Filing Date	Priority Claimed Under 35 USC §119
			Yes _____ No _____

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

(Application No.)	(Filing Date)	(Application No.)	(Filing Date)
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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status: patented, pending, abandoned
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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

**POWER OF ATTORNEY:** The following attorneys are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Anthony B. Askew - 24,154; Roger T. Frost - 22,176; Jeffrey E. Young - 28,490; Robert E. Richards - 29,105; John R. Harris - 30,388; Stephen M. Schaezel - 31,418; Larry A. Roberts - 31,874; Thomas A. Hodge, - 22,602; Charles L. Warner II - 32,320; Gregory T. Gronholm - 32,415; Dale Lischer - 28,438; Peter G. Pappas - 33,205; James Dean Johnson - 31,771; Nora M. Tocups - 35,717; W. Scott Petty - 35,645; Daniel J. Warren - 34,272; Hubert J. Barnhardt III - 36,739; Virginia L. Carron - 37,110; Leona G. Young - 37,266; Jamie L. Greene - 32,467; Holmes J. Hawkins III - 38,913; Mary Anthony Merchant - 39,771; Michael J. Mehrman - 40,086; William L. Warren - 36,714; James A. Witherspoon - 36,724; Brenda M. Ozaki - 40,332; James D. Withers - 40,346; M. Todd Mitchem - 40,734; Gregory S. Smith - 40,819; John J. Snyder - 39,380; Kimberly J. Prior - 41,483; William B. Lafferty - 39,259; Veda V. Christmas - P41,674; Theodore M. Green - P41,801; Christopher J. Leonard - P41,940; John E. Whitaker - P42,222; Christos S. Kyriakou - P42,776; John K. McDonald - P42,860; Michael S. Pavento - P42,985

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Inventor's signature: <i>Lawrence Tamarkin</i>	Date: 4/17/99
Residence and Post Office Address: 1055 Pipestream Place, Rockville, Maryland 20854	

☒ Additional inventors are being named on separately numbered sheets attached hereto.

Attorney Docket No.: 01994-0024

Title: COMPOSITION AND METHOD FOR DELIVERY  
OF BIOLOGICALLY-ACTIVE FACTORS

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Giulio

Full name of second inventor, if any: <u>Giulio V. Paciotti</u>	Citizenship: <u>U.S.A.</u>
Inventor's signature: <u>[Signature]</u>	Date: <u>4/13/98</u>
Residence and Post Office Address: <u>6714 Potomac Hunt Court, Baltimore, Maryland 21075</u>	